

REMARKS

Claims 1-9, 12, and 14-16 are pending. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

Specification

Applicant has amended the specification at paragraph [0014] for the purposes of clarity. No new matter has been added.

Rejections under 35 U.S.C. §102 and 103

Claim 1 stands rejected under 35 U.S.C. §102(e) in view of U.S. Patent No. 6,970,571 by Knorr et al. ("Knorr"). Claims 1-9, 12, and 14-16 stand rejected under 35 U.S.C. §103(a) in view of U.S. Patent Pub. No. 2001/0003166 by Gulick ("Gulick") and Knorr. Insofar as they may be applied against the Claims, these rejections are respectfully traversed.

In the Office Action (at pages 3 and 4), the Examiner asserts that Knorr (and not Gulick) discloses the claimed arrangement of a volume control circuit and a supervisory circuit. Specifically, the Examiner asserts that power control (52) of Knorr corresponds to the supervisory circuit while microcontroller (48) of Knorr corresponds to the volume control circuit. However, this analysis simply does not comport with the disclosure of Knorr. Looking to Col. 3, l. 65 – Col. 4, l. 11, Knorr specifically described the operation of microcontroller (48), stating (with emphasis added):

As will be discussed in more detail below, the microcontroller 48 samples the amplified signals output by the pre-amplifier 44 to determine whether the amplified signals exceed a predetermined threshold value. If the amplified signals exceed the predetermined threshold value, the microcontroller 48 immediately outputs signals to the digital potentiometer 46 to reduce the volume levels of the signals being passed through the digital potentiometer 46. In

this manner, sounds exceeding a predetermined threshold will be attenuated while sounds not reaching the predetermined threshold will not be attenuated. This permits the circuit 24 to reduce the overall amplification during loud sounds while permitting an amplification level selected by the volume control during lower level sounds.

Additionally, at Col. 5, ll. 36-44, Knorr describes the operation of the power controller (52), stating (with emphasis added):

When the on/off button 30 is pressed on the control device 26, a signal is transmitted to the power control 52 via a signal path 76. The power control 52 momentarily gates power to the microcontroller 48 via a signal path 78. In response thereto, the microcontroller 48 toggles the power control 52 via a signal path 80 to maintain the power on. This provides the microcontroller 48 with the ability to automatically turn-off the apparatus 10 by again toggling the power control 52 via the signal path 80.

Thus, it is clear from the description that the power control (52) does *not* provide any supervisory function of the power consumed; it simply has a gating function. Additionally, the microcontroller (48) does *not* operate as a volume control circuit as claimed because the microcontroller (48) trims or reduces the amplitude of the audio signal *after* the audio signal has been preamplified, not before as claimed. Therefore, neither Knorr nor Guilck disclose, singularly or in combination, a volume control circuit that activates at least one of the volume control inputs of a pre-amplifier or DAC when a supervisory circuit detects the power has exceeded a pre-determined limit. Accordingly, Applicant respectfully requests that the rejections of Claims 1-9, 12, and 14-16 be withdrawn and that Claims 1-9, 12, and 14-16 be allowed.

Conclusion

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-9, 12, and 14-16.

Applicant has included a payment of \$120 to cover a one-month EOT fee. In the event that any fees are due, the Commission is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 20-0668 of Texas Instruments Incorporated.

Should the Examiner require any further clarification to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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